



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3415

by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

815 ILCS 505/2WWW new
820 ILCS 112/5
820 ILCS 112/13 new

Amends the Equal Pay Act and the Consumer Fraud and Deceptive Business Practices Act. Provides that when using predictive data analytics in determining creditworthiness or in making hiring decisions, the use of predictive data analytics may not include information that correlates with the race or zip code of the applicant for credit or employment. Provides that a person or entity that relies either partially or fully on predictive data analytics to determine a consumer's creditworthiness may not allow information about the consumer's preference that correlates with the consumer's race or zip code to influence any conclusion regarding the consumer's creditworthiness. Provides that a person or entity that violates the provision commits an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

LRB101 09123 JLS 54217 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2WWW as follows:

6 (815 ILCS 505/2WWW new)

7 Sec. 2WWW. Credit worthiness; use of predictive analytics.

8 (a) In this Section, "predictive data analytics" means the
9 use of automated machine learning algorithms for the purpose of
10 statistically analyzing a person's behavior.

11 (b) A person or entity that relies either partially or
12 fully on predictive data analytics to determine a consumer's
13 creditworthiness may not allow information about the
14 consumer's preference that correlates with the consumer's race
15 or zip code to influence any conclusion regarding the
16 consumer's creditworthiness.

17 (c) A person or entity that uses predictive data analytics
18 to determine the creditworthiness of more than 50 consumers in
19 a calendar year who are Illinois residents shall, within 90
20 days after the effective date of this amendatory Act of the
21 101st General Assembly, devise procedures to ensure that it
22 does not inadvertently consider information that correlates
23 with race or zip code when determining a consumer's

1 creditworthiness.

2 (d) A person or entity that violates this Section commits
3 an unlawful practice within the meaning of this Act.

4 Section 10. The Equal Pay Act of 2003 is amended by
5 changing Section 5 and by adding Section 13 as follows:

6 (820 ILCS 112/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Director" means the Director of Labor.

9 "Department" means the Department of Labor.

10 "Employee" means any individual permitted to work by an
11 employer.

12 "Employer" means an individual, partnership, corporation,
13 association, business, trust, person, or entity for whom
14 employees are gainfully employed in Illinois and includes the
15 State of Illinois, any state officer, department, or agency,
16 any unit of local government, and any school district.

17 "Predictive data analytics" means the use of automated
18 machine learning algorithms for the purpose of statistically
19 analyzing a person's behavior.

20 (Source: P.A. 99-418, eff. 1-1-16.)

21 (820 ILCS 112/13 new)

22 Sec. 13. Employment decision; use of predictive analytics.

23 (a) An employer that uses predictive data analytics to

1 evaluate job applicants may not consider any data about the
2 applicant's preferences that correlates with the applicant's
3 race or zip code to influence a hiring decision.

4 (b) An employer that uses predictive data analytics to
5 evaluate job applicants and that hires more than 50 employees
6 in a calendar year who are Illinois residents shall, within 90
7 days after the effective date of this amendatory Act of the
8 101st General Assembly, devise procedures to ensure that it
9 does not inadvertently consider information that correlates
10 with race or zip code when making a hiring decision.